



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-1526/P1

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**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

AN ACT ...; relating to: ???

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*Analysis by the Legislative Reference Bureau*

**INTRODUCTION**

This bill is the “executive budget bill” under section 16.47 (1) of the statutes. It contains the governor’s recommendations for appropriations for the 2011-2013 fiscal biennium.

The bill repeals and recreates the appropriation schedule in chapter 20 of the statutes, thereby setting the appropriation levels for the 2011-2013 fiscal biennium. The descriptions that follow relate to the most significant changes in the law that are proposed in the bill. In most cases, changes in the amounts of existing spending authority and changes in the amounts of bonding authority under existing bonding programs are not discussed.

For additional information concerning this bill, see the Department of Administration’s publication *Budget in Brief* and the executive budget books, the

Legislative Fiscal Bureau's summary document, and the Legislative Reference Bureau's drafting files, which contain separate drafts on each policy item. In most cases, the policy item drafts contain a more detailed analysis than is printed with this bill.

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### **GUIDE TO THE BILL**

As is the case for all other bills, the sections of the budget bill that affect statutes are organized in ascending numerical order of the statutes affected.

Treatments of prior session laws (styled "laws of [year], chapter ...." from 1848 to 1981, and "[year] Wisconsin Act ...." beginning with 1983) are displayed next by year of original enactment and by act number.

The remaining sections of the budget bill are organized by type of provision and, within each type, alphabetically by state agency. The first two digits of the four-digit section number indicate the type of provision:

**91XX Nonstatutory provisions.**

**92XX Fiscal changes.**

**93XX Initial applicability.**

**94XX Effective dates.**

The remaining two digits indicate the state agency or subject area to which the provision relates:

**XX01 Administration.**

**XX02 Aging and Long-Term Care Board.**

- XX03 Agriculture, Trade and Consumer Protection.**
- XX04 Arts Board.**
- XX05 Board for People with Developmental Disabilities.**
- XX06 Building Commission.**
- XX07 Child Abuse and Neglect Prevention Board.**
- XX08 Children and Families.**
- XX09 Circuit Courts.**
- XX10 Commerce.**
- XX11 Corrections.**
- XX12 Court of Appeals.**
- XX13 District Attorneys.**
- XX14 Educational Communications Board.**
- XX15 Employee Trust Funds.**
- XX16 Employment Relations Commission.**
- XX17 Financial Institutions.**
- XX18 Government Accountability Board.**
- XX19 Governor.**
- XX20 Health and Educational Facilities Authority.**
- XX21 Health Services.**
- XX22 Higher Educational Aids Board.**
- XX23 Historical Society.**
- XX24 Housing and Economic Development Authority.**
- XX25 Insurance.**
- XX26 Investment Board.**
- XX27 Joint Committee on Finance.**

- XX28 Judicial Commission.**
- XX29 Justice.**
- XX30 Legislature.**
- XX31 Lieutenant Governor.**
- XX32 Local Government.**
- XX33 Medical College of Wisconsin.**
- XX34 Military Affairs.**
- XX35 Natural Resources.**
- XX36 Public Defender Board.**
- XX37 Public Instruction.**
- XX38 Public Lands, Board of Commissioners of.**
- XX39 Public Service Commission.**
- XX40 Regulation and Licensing.**
- XX41 Revenue.**
- XX42 Secretary of State.**
- XX43 State Employment Relations, Office of.**
- XX44 State Fair Park Board.**
- XX45 Supreme Court.**
- XX46 Technical College System.**
- XX47 Tourism.**
- XX48 Transportation.**
- XX49 Treasurer.**
- XX50 University of Wisconsin Hospitals and Clinics Authority.**
- XX51 University of Wisconsin Hospitals and Clinics Board.**
- XX52 University of Wisconsin System.**

**XX53 Veterans Affairs.**

**XX54 Workforce Development.**

**XX55 Other.**

X For example, for general nonstatutory provisions relating to the State Historical society,<sup>✓</sup> see SECTION 9123. For any agency that is not assigned a two-digit identification number and that is attached to another agency, see the number of the latter agency. For any other agency not assigned a two-digit identification number or any provision that does not relate to the functions of a particular agency, see number "55" (**Other**) within each type of provision.

In order to facilitate amendment drafting and the enrolling process, separate section numbers and headings appear for each type of provision and for each state agency, even if there are no provisions included in that section number and heading. Section numbers and headings for which there are no provisions will be deleted in enrolling and will not appear in the published act.

Following is a list of the most commonly used abbreviations appearing in the analysis.

DATCP . . . Department of Agriculture, Trade and Consumer Protection

DCF . . . . . Department of Children and Families

DETF . . . . . Department of Employee Trust Funds

DFI . . . . . Department of Financial Institutions

DHS . . . . . Department of Health Services

DMA . . . . . Department of Military Affairs

DSPS ..... Department of Safety and Professional Services

DNR ..... Department of Natural Resources

DOA ..... Department of Administration

DOC ..... Department of Corrections

DOJ ..... Department of Justice

DOR ..... Department of Revenue

DOT ..... Department of Transportation

DPI ..... Department of Public Instruction

DRL ..... Department of Regulation and Licensing

DVA ..... Department of Veterans Affairs

DWD ..... Department of Workforce Development

JCF ..... Joint Committee on Finance

OCI ..... Office of the Commissioner of Insurance

PSC ..... Public Service Commission

UW ..... University of Wisconsin

WHEHA .. Wisconsin Housing and Economic Development Authority

WHEFA ... Wisconsin Health and Educational Facilities Authority

WEDC ..... Wisconsin Economic Development Corporation

#### AGRICULTURE

**\*\*\* ANALYSIS FROM -1284/2 \*\*\***

Under current law, one requirement for a farmer <sup>may</sup> to qualify for the farmland preservation tax credit <sup>is that</sup> the farmland <sup>is located</sup> must either be in a farmland preservation zoning district or be covered by a farmland preservation agreement executed by DATCP. Under current law, in order to rezone land out of a farmland preservation zoning district, a political subdivision must find that the land is better

suited for a use not allowed in a farmland preservation zoning district. Also under current law, a political subdivision may not rezone land out of a farmland preservation zoning district unless the person who requested the rezoning pays a conversion fee equal to the number of acres rezoned multiplied by three times the per acre value of the highest value of cropland in the area, as determined for the purposes of use value assessment.

*move* *not* This bill eliminates the requirement that a person who requests that land be rezoned out of a farmland preservation zoning district pay a conversion fee.

Under current law, DATCP administers a program under which it, in conjunction with local governments and nonprofit conservation organizations, purchases agricultural conservation easements from willing landowners. An agricultural conservation easement requires that land covered by the easement be kept in agricultural use.

*move* *not* This bill eliminates the program for purchasing agricultural conservation easements. *this*

**\*\*\* ANALYSIS FROM -1363/1 \*\*\***

Current law requires DATCP to promote the consumption of locally produced foods and to improve the distribution of foods for local consumption. DATCP also awards grants for projects designed to increase the local sale of food grown in this state.

*move* *not* This bill eliminates the provisions concerning the promotion of locally produced foods. *these*

**\*\*\* ANALYSIS FROM -0160/2 \*\*\***

Under current law, DATCP awards grants for land and water resource management projects. This bill increases the general obligation bonding authority for these grants by \$7,000,000.

**\*\*\* ANALYSIS FROM -1465/P4 \*\*\***

## **COMMERCE AND ECONOMIC DEVELOPMENT**

### **ECONOMIC DEVELOPMENT**

Currently, the Department of Commerce (Commerce) administers, or assists in administering, programs intended to promote economic development in this state. Generally, the programs provide assistance in the form of grants, loans, or tax benefits to persons who meet specified eligibility requirements, subject to limitations including caps and matching requirements imposed under individual programs or resulting from levels of funding allocated for each program. With certain exceptions, the bill eliminates current programs that provide grants and loans, and transfers Commerce's duties under programs that provide tax benefits to the Wisconsin Economic Development Corporation (WEDC) created in 2011 Wisconsin Act 7.

#### ***Grant and loan programs***

*With limited exceptions* The bill eliminates all of the following current economic development grant and loan programs *administered by Commerce including* grants to Wisconsin Business Development Finance Corporation for a capital access program; grants and loans to a business or researcher for projects generally related to renewable energy; loans to manufacturing businesses for projects generally related to energy efficiency and renewable energy; grants and loans to businesses for diversifying a local economy; grants and loans for improving the profitability of businesses negatively impacted by a casino; grants to the city of Milwaukee to fund remediation and redevelopment projects in the Menomonee Valley; grants to the Center for Advanced Technology and Innovation; grants to businesses for employee skills training or other education; grants to businesses for



expenses in hiring students as paid interns; reimbursements for business expenses related to attending trade shows; grants and loans to businesses for professional services or management assistance in starting or expanding in rural municipalities; microloans for creating new businesses; grants to Wisconsin Angel Network; grants to support a manufacturing extension center; grants to a high-technology business development corporation for promoting science-based and technology-based businesses and for hiring a grant writer to assist businesses to apply for certain federal grants; grants and loans to assist in obtaining research and development funding; grants and loans for commercializing technologically innovative products; grants and loans to research institutions for research and development related to job creation or retention and for improving business innovativeness; grants to institutions for projects related to improving businesses' access to capital; grants to match funds raised for new businesses; grants for rehabilitating and recycling manufactured housing; grants and loans to businesses, municipalities, and other entities for encouraging minority businesses and businesses in economically distressed areas, and for strengthening urban and rural communities; grants and loans for business development to increase productivity, capital investment, and job creation and retention through capital financing, worker training, entrepreneurial development, and other activities; and grants for a program to provide technical assistance for economic development on Indian reservations.

Commerce <sup>(also)</sup> currently awards grants to businesses for innovation and research assistance and awards grants to the Women's Business Initiative Corporation. <sup>(W.B.I.C.)</sup> The bill transfers administration <sup>of</sup> <sup>a these</sup> innovation and research grants to WHEDA, and transfers administration of grants to the Women's Business Initiative Corporation to the Department of Safety and Professional Services (DSPS).

DSPS ; formerly called DRL

***Tax incentives***

Current law provides tax incentives for conducting certain business activities <sup>the</sup> ~~anywhere~~ in ~~this~~ state; Commerce's role is generally to certify that a business meets specified eligibility requirements. The bill transfers Commerce's role in administering <sup>most</sup> ~~the following~~ tax incentives to WEDC <sup>including</sup> electronic medical records credit; angel investment tax credits; early stage seed investment credit; <sup>and</sup> ~~jobs credit~~ \* food processing plant and food warehouse investment credit; meat processing facility investment credit; capital gains deferral for investors in certain new business ventures; woody biomass harvesting and processing credit; and manufacturing investment credit. The bill transfers Commerce's duties under the film production credit to the Department of Tourism and transfers Commerce's duties under the dairy manufacturing facility investment credit to DATCP.

Currently, Commerce may <sup>generally</sup> ~~generally~~ certify a person as eligible for the jobs tax credit if the person increases net employment in the person's business and one of the following applies: 1) an employee for whom the person claims the credit earns at least \$20,000 or \$30,000 (depending on the classification <sup>under Commerce rules</sup> ~~under Commerce rules~~ of the community where the employee is located) but not more than \$100,000 per year; or 2) the person improves employee skills, trains an employee in new technologies, or provides training to an employee in his or her first full-time job. <sup>In addition to</sup> ~~In addition to~~

<sup>transferring Commerce's administrative responsibilities to WEDC</sup> ~~transferring Commerce's administrative responsibilities to WEDC~~, the bill provides that WEDC may certify a person <sup>as eligible</sup> ~~as eligible~~ for the jobs tax credit if the person conducts training as described above, <sup>or if the person</sup> ~~or if the person~~ increases net employment in the person's business, without regard to <sup>salary or to the classification of the</sup> ~~salary or to the classification of the~~

<sup>community where the employee is located</sup> ~~community where the employee is located~~

the salary of the employee  
for whom the credit is claimed

(development zones).

Current law also provides tax incentives for projects that create jobs, make capital investments, train employees, or establish or retain corporate headquarters in areas of the state that meet specified criteria and Commerce has designated, or that have been designated, <sup>by Commerce or</sup> by law. Under current law, Commerce may designate

development zones, enterprise development zones, agricultural development zones, enterprise zones, and airport development zones. Current law also specifies eight enterprise development zones. The bill transfers Commerce's duties under these

programs to WEDC and deletes a current provision authorizing the designation of a business incubator as a development zone.

The bill directs WEDC to award annual grants up to \$100,000 to regional economic development agencies to fund marketing activities.

#### **Other economic development duties**

Currently, Commerce's Office of Regulatory Assistance must generally help businesses to obtain permits, licenses, and approvals necessary to operate a business in this state. The Office of Regulatory Assistance must provide applicants for such

permits, licenses, and approvals with information, advocacy before issuing agencies, and dispute resolution; issuing agencies must cooperate with the office and must offer informal preapplication meetings. The bill eliminates the Office of Regulatory

Assistance.

Current law requires Commerce to <sup>facilitate arrangements between investors and venture capitalists</sup> arrange programs to introduce members of industry, trade, and professional organizations to procedures for investment of venture capital and to opportunities for assisting entrepreneurs <sup>seeking</sup> to obtain venture

capital. Commerce must also <sup>help</sup> develop programs in metropolitan areas for supporting persons who <sup>persons who</sup> arrange venture capital for entrepreneurs, and must coordinate its efforts with other agencies. The bill repeals these requirements.

Current law requires Commerce to enter into an agreement with a recipient of a grant, loan, or specified tax incentives<sup>(incentive)</sup> that requires the recipient to repay the grant, loan, or tax incentive if, within five years, the recipient ceases to conduct in this state the economic activity for which the grant, loan, or tax incentive was provided and commences substantially the same economic activity outside the state.

The bill transfers this requirement to apply to grants, loans, and specified tax incentives provided by WEDC.

The bill deletes the current State Main Street Program, which generally requires Commerce to assist municipalities in planning, managing, and implementing programs to revitalize <sup>local, downtown</sup> business areas.

The bill eliminates the Small Business Environmental Council, which generally assists small businesses in complying with federal and state laws regulating air and water pollution.

**\*\*\* ANALYSIS FROM -1465/P4 \*\*\***

Under current law, Commerce administers <sup>programs to certify</sup> disabled veteran-owned businesses <sup>certifications</sup>, woman-owned business <sup>certifications</sup>, and minority business <sup>certifications</sup> that are designed to encourage the creation and foster the growth of Wisconsin businesses owned by women, disabled veterans, or minorities. A business <sup>certified under one of these programs</sup> that qualifies for and maintains one of those certifications may be eligible to receive <sup>benefits including</sup> certain advantages bidding on public projects and other benefits. This bill transfers the administration of those certifications to DSPS.

Under current law, Commerce also administers grants to the Women's Business Initiative Corporation, an economic development corporation that focuses on assisting women, minority, and low-income entrepreneurs and small business

owners; and Commerce administers grants to small businesses for innovation and research assistance. The bill transfers the administration of those grants to DSPS.

\*\*\* ANALYSIS FROM -0807/P2 \*\*\*

Under current law, WHEFA may issue a bond to finance a qualifying project undertaken by a participating health or research institution, finance any project undertaken for an educational facility, or refinance the debt of a participating institution. WHEFA may also engage in other contractual relations with participating institutions incident to its project financing or debt refinancing. This bill specifies that the entities with which WHEFA contracts may include an affiliate entity that controls, is controlled by, or is under common control with, an entity organized under the laws of Wisconsin or authorized by Wisconsin law to provide or operate certain facilities. The bill also authorizes WHEFA to issue a bond for a project located outside of Wisconsin if that project includes a substantial component located in Wisconsin, as determined by WHEFA's executive director.

\*\*\* ANALYSIS FROM -1465/P4 \*\*\*

BUILDINGS AND SAFETY

Under current law, Commerce administers various laws, including building codes, that protect the health, safety, and welfare of the public. Among the laws administered by Commerce are those that promote safety in public and private buildings and in the subsystems of those buildings. To that end, Commerce also issues various licenses, permits, registrations, and other credentials (licenses) to persons engaged in occupations regulated by Commerce, such as electricians and plumbers. Commerce also administers and issues licenses in connection with the administration of other laws relating to public health and safety such as those regulating private sewage systems, fireworks, and the storage of flammable liquids.

This bill transfers these functions to DRL, renamed the DSPS under this bill.

**\*\*\* ANALYSIS FROM -0721/7 \*\*\*****FINANCIAL INSTITUTIONS**

Under current law, a person may file an application <sup>to apply</sup> to be a notary public with <sup>to</sup> the Office of the Secretary of State (SOS). If the SOS determines that the applicant is qualified, the SOS issues a certificate of appointment and the person's commission as a notary public is valid for four years. However, for a person licensed to practice law, the commission as a notary public is permanent.

<sup>No 71</sup> This bill transfers notary public functions from the Office of the SOS <sup>MOVE</sup> to DFI.

Under current law, a person may file for state trademark or service mark registration with the Office of the SOS. If applicable requirements are met, the SOS issues a certificate of registration of the mark. The SOS must also keep a record of brands used on beverage containers for which the SOS has received an application to record the brand. A lodge, fraternal society, or similar organization may also register with the SOS its identifying information, including its name, motto, emblem, or other insignia, and the SOS must keep a properly indexed file of these registrations.

<sup>move</sup> This bill transfers these trademark and similar functions from the Office of the SOS to DFI.

Under current law, \$200,000 is transferred annually from a DFI appropriation for general program operations to an appropriation of the Office of the SOS for general program operations. This bill increases the amount of the transfer to \$325,000 annually.

**\*\*\* ANALYSIS FROM -0194/3 \*\*\***

Under current law, a person cannot transact business in this state as an investment adviser unless the person is registered <sup>registers</sup> with DFI Division of Securities <sup>as an investment adviser</sup> or is exempt from registration.

The various registration exemptions include persons that have only certain types of clients in this state, such as institutional investors and accredited investors.

No To This bill eliminates the "institutional investor" registration exemption for private business development companies, qualified institutional buyers, and other entities of institutional character with assets of more than \$10,000,000. The bill also eliminates the "accredited investor" registration exemption for private business development companies, trusts with assets of more than \$5,000,000, and entities in which all of the equity owners are accredited investors.

\*\*\* ANALYSIS FROM -0664/2 \*\*\*

Under current law, DFI's general program operations, including those of the Division of Banking and the Division of Securities, are funded from an annual program revenue (PR) appropriation. However, program operations of DFI's office of credit unions are funded from a different annual PR appropriation.

This bill consolidates the PR appropriation for the office of credit unions' program operations with the general PR appropriation for program operations.

\*\*\* ANALYSIS FROM -1465/P4 \*\*\*

HOUSING

Under current law, Commerce makes grants and loans to defray housing costs for persons and families of low and moderate income; awards grants to local housing organizations; awards grants to facilitate the movement of homeless persons to independent living; awards grants to municipalities and organizations to provide shelter for homeless persons; awards grants to supplement the operating budgets of agencies and shelters; administers housing programs funded by federal block grants and other federal moneys; administers a program to transfer surplus state-owned real estate to applicant for use as specified in an agreement with Commerce; and awards grants for providing mental health services to homeless persons. The bill

of mental health services to, and

various entities to support

transfers Commerce's duties under these programs to WHEDA, except that the bill eliminates the program for the transfer of surplus state-owned real estate.

④ Also under current law, Commerce must prepare and annually update a state housing strategy plan. The plan must include a statement of housing policies and recommendations, an evaluation of housing conditions and trends, a discussion of major housing issues, and other housing-related information. The plan currently informs review of bills and rules affecting housing and generally guides WHEDA's housing-related activities. The bill transfers Commerce's duties related to the plan to WHEDA.

#### OTHER COMMERCE

Commerce currently may contract with the Board of Regents of the UW System for services to assess and educate businesses regarding hazardous substances and waste, and must work with DNR to promote pollution prevention among businesses in the state. The bill deletes these provisions.

④ Currently, Commerce must currently prepare a report on any introduced bill that directly or substantially affects the development, construction, cost, or availability of housing in the state. Commerce's report is printed as an appendix to the bill.

Commerce and must prepare a similar report on any proposed rule that directly or substantially affects the development, construction, cost, or availability of housing in the state. The bill transfers Commerce's duties with respect to bills to WHEDA and repeals Commerce's duties with respect to proposed rules.

#### CORRECTIONAL SYSTEM

\*\*\* ANALYSIS FROM -0829/P6 \*\*\*

#### ADULT CORRECTIONAL SYSTEM

\* ④ The biennial budget act 2009 Wisconsin Act 28 (the Act) made several changes to the adult correctional system, most of which took effect on October 1, 2009. Prior to the effective date of

Before



<sup>these</sup> <sup>28</sup>  
 the provisions relating to the adult correctional system (pre-Act), a person who was imprisoned for a felony <sup>he or she</sup> committed <sup>before</sup> ~~on or after~~ December 31, 1999, <sup>could</sup> was allowed to petition the parole commission in DOC to be released to parole after the person served 25 percent of his or her sentence, or six months, whichever was greater. The parole commission determined whether, and under what conditions, the person should be released to parole. A person who committed a felony on or after December 31, 1999, <sup>was</sup> ~~is~~ sentenced to a bifurcated sentence, with the first portion of the sentence served in confinement and the second portion served under extended supervision in

the community. <sup>NO</sup> ~~It~~  
<sup>NOA</sup> Pre-Act, a person <sup>who was</sup> serving a bifurcated sentence <sup>generally</sup> was with few exceptions, required to serve the entire confinement portion of his or her sentence <sup>(which could be extended for violation of a prison regulation)</sup> before being released to extended supervision. A person's confinement portion could have been extended if he or she violated a prison regulation. If a person's confinement portion was extended for <sup>such a</sup> violation, <sup>had he</sup> the law pre-Act required his or her extended supervision portion <sup>to be reduced so that the total length of the person's sentence remained unchanged.</sup>

<sup>28</sup>  
<sup>certain felonies</sup> The law <sup>✓</sup> pre-Act <sup>28</sup> allowed a person <sup>serving</sup> who is sentenced to a bifurcated sentence for a Class C to Class I felony to petition the sentencing court to adjust his or her sentence and release the person from prison to extended supervision if he or she <sup>had</sup> has served 85 percent (for Class C to Class E felonies) or 75 percent (for Class F to Class I felonies) of the confinement portion of the sentence. If a person's confinement portion was reduced by the sentencing court, the law pre-Act required his or her extended supervision portion <sup>had</sup> to be extended so that the total length of the person's sentence remained unchanged. <sup>The law</sup> <sup>28 required</sup> Pre-Act a person who was released to extended

supervision was required to serve his or her entire sentence before extended supervision terminated. <sup>Under current law,</sup>

The Act eliminates the role of the sentencing court <sup>plays no role</sup> in adjusting sentences and renamed the parole commission the earned release review commission (ERRC). The

Act allows most persons who are incarcerated for a Class C to Class I felony to earn "positive adjustment time" toward early release from confinement. <sup>may</sup> Under the Act,

the amount of positive adjustment time a person can earn varies depending on the classification of the felony, the person's history and likelihood of reoffending, and other factors determined by DOC.

<sup>Current law</sup> The Act requires DOC to release the person to extended supervision when he or she serves his entire period of confinement, minus <sup>and</sup> "positive adjustment time" earned. Under the Act, <sup>a</sup> if a person's period of confinement is reduced by <sup>may</sup> "positive adjustment time," his or her period of extended supervision is increased so that the length of the sentence does not change. The Act requires the ERRC to perform the

duties previously performed by the parole commission and to review petitions for early release from confinement.

<sup>No</sup> Under the Act, the sentencing court could, at the time of sentencing, order a person to serve a risk reduction sentence. A person serving a risk reduction sentence

could be eligible for early release to extended supervision if he or she complies with a treatment plan developed for the person by DOC.

Pre-Act, persons who had committed most felonies were allowed to petition the sentencing court for release to extended supervision for the remaining term of his or

her sentence if the person had a terminal condition, reached age 65 after serving at least five years of his or her term of confinement portion, <sup>of the sentence</sup> or reached age 60 after serving at least ten years of his or her term of confinement portion, <sup>of the sentence</sup>

formerly identified as the parole commission reviews petitions for early release from confinement

making the person

28 a person who had committed a felony could

Under certain circumstances

Generally

the

*No P* Under the Act, <sup>current law</sup> the petition may also be filed by a person with any serious health condition <sup>may file such a petition with</sup> and must be submitted to the ERRC instead of <sup>e</sup> to the sentencing court. In addition, under the Act, DOC may release to extended supervision any person serving the confinement portion of a bifurcated sentence if the person is not confined following a violent offense, the person is believed to be able to live in the community without assaulting another, and the release will not be more than 12 months before the date that the person otherwise would be eligible for release to extended supervision. *and other conditions are satisfied* If DOC releases a person, his or her term of extended supervision must be extended by the length of time he or she was originally sentenced to confinement so that the total length of the sentence does not change.

*for a period of time determined by* Pre-Act, if a person sentenced to a bifurcated sentence violated any condition of his or her release to extended supervision, the person's extended supervision was revoked, <sup>and</sup> he or she was returned to prison, and the division of hearings and appeals within DOA or DOC (reviewing authority) made a recommendation to the court that convicted the person as to how long the person should remain in prison. After it received the reviewing authority's recommendation, the court was allowed to order the person to remain in prison for a period that did not exceed the time remaining on <sup>to</sup> his or her bifurcated sentence.

*No P* Under the Act, <sup>the person's</sup> the reviewing authority <sup>current law</sup> determines how long to imprison the person whose extended supervision is revoked <sup>DOA's Division of Hearings and Appeals or DOC</sup> and enters its own order for the person to remain in prison for a period that does not exceed the time remaining on his or her bifurcated sentence.

This bill eliminates <sup>positive adjustment time</sup> and risk reduction sentences, restores the parole commission, <sup>eliminates the ERRC</sup>, and returns the sentencing provisions <sup>and most of the provisions relating to early release from confinement to</sup>

28  
pre-Act<sup>✓</sup> law. Under the bill, a person may petition the sentencing court for release to extended supervision for the remaining term of his or her sentence if the person has an extraordinary health condition, reaches age 65 after serving at least five years of his or her term of confinement portion, or reaches age 60 after serving at least ten years of his or her term of confinement portion.

Under the bill, a person who was sentenced after October 1, 2009, but before the effective date of the bill, and who earned positive adjustment time during that period may petition the sentencing court for an early release to extended supervision. If the sentencing court agrees to reduce the confinement portion of the person's sentence by the number of positive adjustment time days he or she earned, the sentencing court must increase the term of extended supervision by the same number of days. Under the bill, a person who was sentenced to a risk reduction sentence after October 1, 2009, but before the effective date of the bill and who complied with the program plan developed by DOC may be released to extended supervision after he or she serves at least 75 percent of the confinement portion of his or her sentence.

**\*\*\* ANALYSIS FROM -1136/P1 \*\*\***

This bill changes, from annual to biennial, the appropriation for the general program operations of DOC.

**\*\*\* ANALYSIS FROM -0214/P5 \*\*\***

**JUVENILE CORRECTIONAL SYSTEM**

Under current law, DOC must allocate various state and federal moneys to counties to pay for state-provided juvenile correctional services and local delinquency-related and juvenile justice services. DOC charges counties for the costs of services provided by DOC according to per person daily cost assessments specified by law (the "daily rate"). Currently, the daily rate is \$275 for care in a

juvenile correctional facility, \$275 for care for juveniles transferred from a juvenile

correctional institution, \$313 for care in a residential care center for children and youth, \$200 for care in a group home, \$75 for care in a foster home, \$130 for care in a treatment foster home, \$103 for corrective sanctions services, and \$41 for aftercare services.

This bill increases the daily rates for care in a juvenile correctional facility and for care for juveniles transferred from a juvenile correctional institution and decreases the daily rates for corrective sanctions and after care services. In addition, the bill eliminates the statutory daily rates for care for juveniles in a residential care center for children and youth, group home, or foster home, and instead provides that the daily rate ~~for each of these types of care~~ is the amount the provider of that care charges DOC. The bill deletes treatment foster care from the list of services for which DOC charges a daily rate.

~~decreases by 10 percent from the~~  
**\*\*\* ANALYSIS FROM -0203/P3 \*\*\*** 2009-11 fiscal biennium  
This bill also ~~sets~~ the total amounts that DOC must allocate to counties for state-provided juvenile correctional services and local delinquency-related and juvenile justice services in the 2011-13 fiscal biennium based on a 10 percent reduction from the 2009-11 fiscal biennium.

**\*\*\* ANALYSIS FROM -0215/P3 \*\*\***

Under current law, sum certain amounts are appropriated to DOC for juvenile correctional services, juvenile residential aftercare services, and juvenile corrective sanctions services. This bill provides that, if there is a deficit in the juvenile correctional services appropriation account at the end of a fiscal year, certain unencumbered balances in the juvenile residential aftercare services and juvenile corrective sanctions services appropriation accounts, up to the amount of the deficit

and less any amounts required to be remitted to counties or deposited in the general fund, are transferred to the juvenile correctional services appropriation account.

\*\*\* ANALYSIS FROM -0830/P6 \*\*\*

### COURTS AND PROCEDURE

#### CIRCUIT COURTS

Under current law, with a few exceptions, a person who files a civil action, an <sup>action</sup> ~~action~~ in small claims court, or a wage garnishment action, or against whom a civil forfeiture is assessed, pays a \$21.50 justice information surcharge. Of that amount, <sup>certain</sup> ~~some moneys remain in the general fund and some moneys are credited for~~ specific purpose: \$7.50 is credited to the development and operation of an automated justice information system, \$6 is credited to the operation of a circuit court automated information system, \$4 is credited to DOA to provide civil legal services to indigent persons, \$1.50 is credited to counties to provide alternatives to prosecution and incarceration for certain alcohol-related or other drug-related crimes, \$1.50 is credited to the Office of Justice Assistance (OJA) for statistical gathering and analyses, and \$1 remains in the general fund.

Under the bill, \$700,000 of the moneys from the justice information surcharge remain in the general fund. The balance is credited to an appropriation account and DOA is required to transfer <sup>the balance</sup> ~~moneys~~ to various agencies for the following purposes: to provide grants for law enforcement officers; to fund child advocacy centers; to provide victim notification services; to pay for court interpreters; to pay for assistant district attorney positions; to fund state and local information and technology and administrative costs associated with traffic stop data collection; to administer an interoperable public safety communications system; and to administer an automated justice information system.

The bill eliminates the funding for the OJA to gather and analyze statistics and for the provision of civil legal services to indigent persons; and requires district

attorney offices to work with the Office of State Employment Relations to allocate the money transferred for assistant district attorneys.

**\*\*\* ANALYSIS FROM -0239/P2 \*\*\***

Under current law, circuit courts receive moneys for services and materials the circuit courts provide to counties, other state agencies, and others. This bill creates an appropriation of such moneys, other than moneys received from state agencies, to be used by the circuit courts for a variety of operations.

**\*\*\* ANALYSIS FROM -0841/P2 \*\*\***

**EDUCATION**

**PRIMARY AND SECONDARY EDUCATION**

Under current law, each school district must hold school for 180 days each school term and must schedule at least 437 hours of direct pupil instruction in kindergarten, at least 1,050 hours of direct pupil instruction in grades one to six, and at least 1,137 hours of direct pupil instruction in grades seven to twelve. With some exceptions, the state superintendent of public instruction must withhold state aid from a school district if the school district fails to hold school for 180 days.

This bill eliminates the requirement that a school district hold school for 180 days each year and requires the state superintendent to withhold state aid from a school district that fails to provide the hours of direct pupil instruction specified above.

**\*\*\* ANALYSIS FROM -1244/P1 \*\*\***

Under current law, the board of Milwaukee Public Schools determines the school calendar and vacation periods for the regular day <sup>g</sup> and summer <sup>g</sup> school <sup>g</sup> each school year, but <sup>g</sup> the board may not schedule more than 200 teaching days in <sup>g</sup> the <sup>g</sup> regular day school <sup>g</sup> period in any school year. This bill eliminates the requirement that no more than 200 teaching days be scheduled in the regular day school period.

**\*\*\* ANALYSIS FROM -0836/P5 \*\*\***

Current law generally limits the increase in the total amount of revenue per pupil that a school district may receive from general school aids and property taxes in a school year to the amount of revenue increase allowed per pupil in the previous school year increased by the percentage change in the Consumer Price Index. In the 2011-12 school year, the increase is limited to \$275 and in the 2012-13 school year to the percentage change in the Consumer Price Index. This bill reduces the revenue limit for all school districts by 5.5 percent in the 2011-12 school year. For the 2012-13 school year, a school district may not increase <sup>its per pupil</sup> ~~the revenues it receives per~~ pupil from general school aids and property taxes above the amount it received in the 2011-12 school year.

Current law exempts a school district from the revenue limit if its per pupil revenue is less than a statutory revenue ceiling, currently set at \$9,800. This bill decreases the per pupil revenue ceiling to \$8,900 for the 2011-12 school year and for any subsequent school year.

Current law ~~also~~ provides that, if a school district's revenue limit, as calculated before any adjustments, is less than the district's base revenue from the previous school year, the district's initial revenue limit <sup>is</sup> ~~would be~~ set at the prior year's base revenue. This bill eliminates this base revenue stabilization provision.

**\*\*\* ANALYSIS FROM -0844/P2 \*\*\***

Under current law, several adjustments to the per pupil revenue limits are permitted. For example, a school board may adopt a resolution to increase the school

district's revenue limit by the amount spent by the school district in the second previous school year to pay the salary and fringe benefit costs of school nurses

Current law also provides a revenue limit adjustment for the costs of school safety



equipment and the compensation costs of security officers<sup>5</sup> and for pupil transportation costs. <sup>NO</sup> ~~the~~ <sup>these</sup>

<sup>NO</sup> ~~the~~ This bill eliminates <sup>these</sup> the revenue limit adjustments described above.

**\*\*\* ANALYSIS FROM -1213/1 \*\*\***

Effective July 1, 2012, this bill eliminates a number of categorical school aid programs, including the Preschool to Grade 5 Program, grants for alcohol and other drug abuse prevention and intervention programs, the Children at Risk Program, grants for nursing services, supplemental aid, grants for advanced placement courses, grants for English instruction for Southeast Asian children, grants for science, technology, engineering, and mathematics (STEM) programs, grants to Milwaukee Public Schools for improving pupil academic achievement, and grants for alternative education programs.

**\*\*\* ANALYSIS FROM -1485/2 \*\*\***

Under current law, each school year a school district is guaranteed an amount of general state aid equal to at least 85 percent of the amount it received in the previous school year. This bill guarantees a school district in the 2011-12 school year an amount equal to at least 90 percent of the amount it received in the 2010-11 school year. The percentage reverts to 85 percent in <sup>each</sup> the following school year <sup>thereafter</sup>.

**\*\*\* ANALYSIS FROM -1215/P2 \*\*\***

Current law allows an eligible school board that has entered into a five-year student achievement guarantee (SAGE) contract with DPI to receive \$2,250 for each low-income pupil enrolled in a grade eligible for SAGE funding <sup>currently, grades kindergarten to third</sup> if the school board reduces class size in the eligible grade to 18 pupils grades kindergarten to third grade are grades eligible for SAGE funding. Current law permits a school board <sup>to</sup> ~~to~~ <sup>may</sup> renew a SAGE contract and <sup>continue to</sup> receive payments under that renewed contract if the

school board maintains the reduced class size achieved during the last school year of the original SAGE contract.

Under this bill, in the 2011-12 school year, only grades kindergarten, one, and two will be eligible for SAGE funding; beginning in the 2012-13 school year, only grades kindergarten and one will be eligible for SAGE funding. School districts operating under a SAGE contract ~~will not be required to~~ maintain a reduced class size in grades for which SAGE funding is withdrawn. *need not*

**\*\*\* ANALYSIS FROM -1345/P5 \*\*\***

Under the Milwaukee Parental Choice Program (MPCP), a pupil who resides <sup>(MPCP school)</sup> in the city of Milwaukee may attend a participating private school in the city at state expense if, among other requirements, the pupil is a member of a family that has a total family income that does not exceed 175 percent of the <sup>Federal</sup> poverty level. A pupil attending <sup>an</sup> a private school under the MPCP <sup>school</sup> whose family income increases <sup>up to not more than 220 percent of the poverty level</sup> may continue to attend the private school under the MPCP ~~but only if the family income does not exceed 220 percent of the poverty level~~.

This bill eliminates the family income requirement for a pupil <sup>who</sup> that wishes to attend <sup>an</sup> a private school participating in the MPCP <sup>school</sup> beginning in the 2011-12 school year. Under the bill, a pupil <sup>who</sup> that resides in the city may attend a private school at state expense <sup>only</sup> if the pupil did not attend <sup>an</sup> a private school participating in the MPCP <sup>school</sup> at any time in the 2010-11 school year. Also under the bill, <sup>an MPCP</sup> a participating private school may charge tuition and fees to <sup>a</sup> pupils admitted under the MPCP over and above the payment the private school receives for the pupil from the state. <sup>but only if the pupil's</sup> However,

a private school may not receive any additional payment for a pupil admitted under the MPCP who is a member of a family that has a total family income that does not exceed 325 percent of the poverty level.

and the number of pupils who may attend a private school under the MPCP is capped at 22,500

Under current law, only private schools located in the city of Milwaukee may participate in the MPCP. This bill provides that any private school located in Milwaukee County may participate in the MPCP and eliminates the cap

Under current law, the number of pupils who may attend a private school under the MPCP is limited to 22,500. This bill eliminates the cap.

**\*\*\* ANALYSIS FROM -0839/P1 \*\*\*** schools

Under current law, private schools participating in the MPCP must annually administer examinations approved by the state superintendent to pupils attending the school under the program and enrolled in grades four, eight, and ten. The private school must also administer examinations in reading and mathematics required under the federal No Child Left Behind Act to pupils enrolled in grades three to eight and grade ten. This bill replaces the current examination requirements and requires, instead, that private schools participating in the MPCP annually administer a nationally normed standardized test in reading, mathematics, and science to pupils attending the school under the program and enrolled in grades four, eight, and ten.

**\*\*\* ANALYSIS FROM -1246/P1 \*\*\*** schools

Under current law, private schools participating in the MPCP must annually submit to DPI evidence of sound fiscal practices and financial viability, as prescribed by DPI by rule. DPI's administrative rules set forth circumstances that would indicate that a private school participating in the MPCP does not have sound fiscal practices or is not financially viable.

5761 No. This bill establishes circumstances that would indicate that a private school participating in the MPCP does not possess sound fiscal practices or the financial ability to continue educational programming operations.

**\*\*\* ANALYSIS FROM -1247/P1 \*\*\***

Under current law, DPI must promulgate administrative rules governing the MPCP. This bill requires DPI to notify each private school participating in the MPCP, and the parents and guardians of pupils attending a private school under the MPCP, of any changes to the MPCP prior to the school year in which the change is to take effect.

**\*\*\* ANALYSIS FROM -1481/P1 \*\*\***

Generally, under current law the state pays a private school participating in the MPCP the lesser of the private school's cost per pupil that is related to educational programming or the sum of the amount paid per pupil in the previous school year increased by the percentage change in the amount of general state school aids. However, under current law for the 2009-10 and 2010-11 school years, the state is pays a participating private school a per pupil payment equal to the lesser of the private school's cost per pupil that is related to educational programming or \$6,442. This bill extends the exception to the general per pupil payment calculation through the 2012-13 school year.

Under current law, school boards may enter into contracts with individuals, groups, businesses, or governmental bodies to establish charter schools, which operate with fewer constraints than traditional public schools. Current law also permits UW-Milwaukee, UW-Parkside, the Milwaukee Area Technical College, and the city of Milwaukee to operate charter schools (independent charter schools) directly or to contract for the operation of charter schools. Currently, and through the 2010-11 school year, the operator of an independent charter school receives per pupil state aid in an amount equal to the amount paid per pupil in the previous school year, increased by an amount that is tied to the increase in the per pupil state aid received by a private school participating in the MPCP. Under current law,

beginning in the 2011-12 school year, the per pupil payment made to independent charter schools is tied to the per pupil revenue limit adjustment for public schools.

Under this bill, the per pupil payment to independent charter schools remains tied to the method for determining the per pupil payment received by a private school

participating in the MPCP through the 2012-13 school year

\*\*\* ANALYSIS FROM -0851/3 \*\*\*

This bill allows any four-year institution within the UW System to operate or to contract for the operation of a charter school with the approval of the Board of Regents. The bill also allows the UW-Madison to operate or contract for the operation of a charter school.

Currently, if UW-Milwaukee establishes a charter school, it must be located in the city of Milwaukee. UW-Parkside may establish only one charter school. It must

be located in a unified school district that is located in the county in which

UW-Parkside is located (the Racine school district) or in an adjacent county, it may

not enroll more than 480 pupils, and it may not operate high school grades. This bill eliminates all of these restrictions.

Currently, the Racine school district receives additional state aid if UW-Parkside establishes a charter school. This bill eliminates this payment.

\*\*\* ANALYSIS FROM -1189/1 \*\*\*

Currently, any person who seeks to teach in a public school, including a charter school, must hold a license or permit issued by DPI. This bill exempts teachers in independent charter schools from this requirement. The bill requires a teacher in

an independent charter school to have a bachelor's degree from an accredited institution of higher education.

\*\*\* ANALYSIS FROM -0852/1 \*\*\*

Under current law, state aid to independent charter schools is funded by a reduction in general school aid, applied on a prorated basis to all school districts. Current law provides that beginning in the 2011-12 school year, instead of reducing general school aid by the amount of charter school aid paid in the same school year, general school aid <sup>is</sup> will be reduced by the amount of charter school aid paid in the 2010-11 school year. This bill eliminates this cap on the reduction in general school aid.

**\*\*\* ANALYSIS FROM -1205/1 \*\*\***

This bill prohibits a school board from requiring, as a condition of employment, that a teacher reside within the school district. The bill defines "teacher" as any person whose employment by a school district requires that he or she hold a license or permit issued by the state superintendent of public instruction.

**\*\*\* ANALYSIS FROM -0856/1 \*\*\***

Current law requires that each school district employ a reading specialist certified by DPI to develop and coordinate a comprehensive reading curriculum. This bill eliminates this requirement.

**\*\*\* ANALYSIS FROM -1362/2 \*\*\***

Under current law, moneys are appropriated from the normal school fund to DPI for an environmental education consultant. This bill eliminates this appropriation.

**\*\*\* ANALYSIS FROM -1061/P1 \*\*\***

Under current law, DPI must award <sup>a grant</sup> a grant to each person employing an initial educator for the purpose of providing a mentor for the initial educator. This bill eliminates the initial educator grant program and the appropriation used to fund the program beginning in the 2012-13 fiscal year.

**\*\*\* ANALYSIS FROM -1183/P1 \*\*\***

Under current law, the Indoor Environmental Quality in Schools Task Force <sup>must</sup> ~~be established by the state superintendent, is required to~~ make recommendations to DPI for the development of a model management plan for maintaining indoor environmental quality in public and private schools. DPI must, in turn, establish ~~such~~ a model management plan and practices. Each school board and the governing body of each ~~private school that is participating in the~~ <sup>school</sup> MPCP <sup>such</sup> must implement a plan ~~for maintaining indoor environmental quality in its school or schools.~~

This bill eliminates the requirement that DPI establish a model management plan and practices and also the requirements that each school board and the governing body of each private school participating in the MPCP <sup>school</sup> <sup>such</sup> ~~implement~~ <sup>a plan</sup> ~~for maintaining indoor environmental quality in its school or schools.~~

\*\*\* ANALYSIS FROM -0982/1 \*\*\*

Current law directs DPI to award grants to nonprofit organizations, cooperative educational service agencies, and the Milwaukee Public Schools for the purpose of providing advanced curriculum and assessments for gifted and talented pupils.

This bill allows DPI to award grants to the UW-Madison as well, but requires that all grants must ~~be for the purpose of providing to gifted and talented pupils those~~ <sup>provide</sup> services and activities not ordinarily provided in a regular school program ~~that~~ <sup>to</sup> allow ~~such~~ <sup>be gifted and talented</sup> pupils to fully develop their capabilities.

\*\*\* ANALYSIS FROM -0855/3 \*\*\*

Under current law, no more than 5,250 pupils may attend virtual charter schools under the Open Enrollment Program (OEP) in any school year. This bill eliminates this limit.

Under the OEP, a pupil may apply to attend a public school in a school district other than the pupil's resident school district (nonresident school district) if certain conditions are met. Current law establishes a time line for filing and processing <sup>an</sup> application <sup>g</sup> under the OEP. An application to attend a school in a nonresident school

<sup>and</sup> district is due between the first Monday in February and the third Friday following the first Monday in February. If accepted by the nonresident school board, the pupil

must notify the nonresident school board whether the pupil will attend school under the OEP by the first Monday in June. Current law requires the resident and

nonresident school boards <sup>a must</sup> to take certain actions to review and accept or reject the application within <sup>a specified</sup> that time period. The resident school board may, under certain

<sup>le</sup> conditions, deny the pupil's enrollment in the nonresident school district by the first Friday following the first Monday in June. By June 30, the nonresident school board

must report the name of each pupil accepted under the OEP to the pupil's resident school board. Current law also permits a nonresident school district to deny

<sup>le</sup> enrollment to a pupil who has been expelled from school for certain reasons, including for engaging in conduct while at school that endangered the health safety or property of others. A resident school district must provide copies of the disciplinary records of a pupil who has applied under the OEP to a nonresident school district that makes a request for such records.

<sup>extends</sup> This bill changes the time line for filing and processing applications under the

<sup>J an</sup> OEP. Under the new time line, the nonresident school district must determine the number of regular education and special education spaces available within the school district at the January meeting of the nonresident school board. An

application to attend a school in a nonresident school district is due between the first Monday in February and the last weekday in April. The nonresident school board



may not act on the application before May 1. The bill requires a resident school district to provide to a nonresident school district records pertaining to disciplinary proceedings involving a pupil who has applied to the nonresident school district under the OEP by the first Friday following the first Monday in May.

The bill also requires the resident school district to forward a copy of the individualized education program (IEP) prepared for a child with a disability who applies to the nonresident district under the OEP. If the resident school district fails to comply with this requirement, the nonresident school district may charge the resident school district for any actual, additional costs incurred by the school district to provide the special education and related services to the child. This bill requires

the nonresident school district <sup>to</sup> prepare an estimate of the costs to implement an IEP prepared for a child with a disability who <sup>has applied to attend a school or</sup> <sup>applies to</sup> program in the nonresident school district, and to provide the resident school district with a copy of the estimate by the third Friday following the first Monday in May.

If the nonresident school district fails to provide the information by the required date, the nonresident school district may not charge the resident school district for the costs to provide the special education and related services to the child with a disability.

<sup>move</sup> No. The pupil must inform the nonresident school board whether he or she will attend a school in the nonresident school district by the last Friday in June. By July 7, the nonresident school board must report the name of each pupil accepted under the OEP to the pupil's resident school board. NO

The bill also creates an alternative application process, with a separate time line, under the OEP. Under the alternative process, the pupil <sup>for a</sup> <sup>who satisfies</sup> must satisfy one of the following criteria: 1) ~~the resident school district determines that~~ the pupil has been

the victim of a violent criminal offense, as defined by DPI by rule; 2) the pupil is or has been a homeless pupil in the current or immediately preceding school year; 3) The pupil has been the victim of repeated bullying or harassment, the parent has reported the bullying or harassment to the resident school board, and the repeated bullying or harassment continues; 4) the place of residence of the pupil's parent or guardian and of the pupil has changed as a result of military orders; 5) the pupil has moved into this state; 6) the place of residence of the pupil has changed as a result of a court order or custody agreement or <sup>placement</sup> because the pupil was placed <sup>or removal from</sup> in/a foster home or with a person other than the pupil's parent, or removed from a foster home or from the home of a person other than the pupil's parent; or 7) the parent of the pupil and the nonresident school board agree that attending school in the nonresident school district is in the best interests of the pupil.

A nonresident school district that receives an application under the alternative time line must immediately forward a copy to the resident school board and must notify the applicant, in writing, whether it has accepted the application no later than 20 days after receiving it. The resident school district may notify an applicant that the pupil may not attend a school or program in the nonresident school district only if it determines that the criterion relied on by the applicant does not apply to the pupil or determines that the costs of special education or related services would impose an undue financial burden on the child's resident school district.

This bill permits a school district to increase the revenue limit applicable to the school by the amount of any reduction to the school district's payment from DPI in the previous year for a pupil who was not included in the calculation of the number of pupils enrolled in that school district in the previous year.

Current law requires DPI to annually report to the governor and the appropriate committees of the legislature on the number of pupils who applied to attend school in a nonresident school district under the OEP, the number of applications denied and the bases for the denials, and the number of pupils attending public school in a nonresident school district under the OEP. This bill requires DPI to provide more detailed information about participation in the OEP, including information about whether pupils were accepted under the regular or alternative application process and, if the latter, which criterion the applicant applied under.

**\*\*\* ANALYSIS FROM -1242/P1 \*\*\***

Current law, with some exceptions, requires a school district to provide transportation to and from school for a pupil attending a private school that is located at least two miles from the pupil's residence. If the estimated cost of transporting a pupil to a private school is more than 1.5 times the school district's average cost per pupil for bus transportation, the school board may fulfill its obligation to transport

the pupil by contracting with the pupil's parent or guardian. Except as provided

below, the contract must provide for an annual payment for each pupil of at least \$5 times the number of miles between the pupil's residence and the private school, or the school district's average cost per pupil for bus transportation, whichever is greater.

No In a first class city school district (currently, only the Milwaukee Public Schools)

Schools, if two or more pupils reside in the same household and attend the same private school, the contract may, at the discretion of the school board, provide for a total annual payment of the amount described above for all of the pupils instead of for each of the pupils. This bill extends this provision to all school districts.

**\*\*\* ANALYSIS FROM -1245/P1 \*\*\***

Under current law, no school bus driver, school district employee, or volunteer may administer medications, including prescription and nonprescription drug products, unless the person has received training approved by DPI. This bill eliminates the requirement that DPI approve the training.

**\*\*\* ANALYSIS FROM -1184/P1 \*\*\***

Under current law, a school nurse is defined to mean a registered nurse licensed either under state law or in a party state under the Nurse Licensure Compact who also meets qualifications established by DPI by rule. This bill eliminates the requirement that a <sup>school nurse</sup> ~~person~~ meet qualifications established <sup>for school nurses</sup> ~~for school nurses~~ by DPI.

**\*\*\* ANALYSIS FROM -1279/3 \*\*\***

This bill directs DPI, working with the office of the governor, to establish a student information system to collect and maintain information about public school pupils, including their academic performance and demographic information, aggregated by school district, school, and teacher. DPI may not spend any moneys appropriated for the system unless its annual expenditure plan is approved by the governor. The bill requires DPI to charge a fee to any school district that uses the system and authorizes DPI to charge a fee to any other person that uses the system.

**\*\*\* ANALYSIS FROM -1243/P1 \*\*\***

Under current law, each school board must annually determine the amount necessary to be raised to operate and maintain the schools of the school district and must, on or before November 6, certify that amount to the municipal clerk to assess and enter onto the tax rolls. This bill provides that, in years in which a November general election is held, the school board must certify the amount to be assessed on or before the seventh calendar day after the day of the general election.

**\*\*\* ANALYSIS FROM -1187/P5 \*\*\***

### HIGHER EDUCATION

Currently, the UW System consists of 13 four-year institutions, including the UW-Madison, 13 two-year colleges, and the UW-Extension. The UW System is governed by the Board of Regents, which consists of the state superintendent of public instruction, the president of the technical college system, 14 citizen members, and two students. The latter 16 members are appointed by the governor and confirmed by the senate. There is a shared, hierarchical system of governance for the UW System: the Board of Regents has primary responsibility, followed by the UW System president, the chancellors of the institutions, the faculty, and the academic staff and students. Three boards are created in or attached to the UW System: the Environmental Education Board, the Laboratory of Hygiene Board, and the Veterinary Diagnostic Laboratory.

This bill creates an authority <sup>called</sup> entitled the University of Wisconsin-Madison, consisting of the current UW-Madison. The bill creates a board of trustees to govern

<sup>The Board of Trustees, which governs the authority, consists of</sup> the authority. <sup>e 21</sup> Twenty-one members, 11 of whom are appointed by the governor, <sup>plain</sup> and <sup>which governs the authority</sup> the chancellor, who serves as a nonvoting member, comprise the Board of Trustees.

<sup>appoints the Chancellor</sup> The chancellor is appointed by the Board of Trustees <sup>as</sup> to serve at its pleasure and is the chief executive officer of the authority. The bill establishes a shared, hierarchical governance system for the authority, consisting of the Board of Trustees, <sup>followed by</sup> the chancellor, the faculty, and the academic staff and students.

The bill transfers all assets and liabilities of the current UW-Madison, including real property, and all incumbent UW-Madison employees to the authority. Until July 1, 2012, the authority must adhere to the terms of any collective bargaining agreement covering the employees, and the authority is considered an agency under the state employment relations laws for all purposes. Beginning July

1, 2012, the authority must implement its own personnel system. Tenured faculty at <sup>2</sup>the current UW-Madison retain their tenure at the authority. The authority remains a participating employer in the Wisconsin Retirement System and authority employees retain health insurance and other benefits <sup>they had</sup> ~~enjoyed~~ as state employees. All contracts entered into by the Board of Regents that are primarily related to the operation of the current UW-Madison, including the contracts with the Board of Directors of the UW Hospitals and Clinics Authority, are transferred to the authority's Board of Trustees.

<sup>adopt</sup> The bill <sup>2</sup>does not <sup>3</sup>require the Board of Trustees to <sup>2</sup>promulgate administrative ~~rules except for~~ rules relating to conduct on university property. <sup>and</sup> The bill authorizes the Board of Trustees to condemn property.

Current law prohibits the Board of Regents of the UW System from increasing resident undergraduate tuition beyond an amount sufficient to fund certain specified costs and activities, including the amounts specified in the state budget act, <sup>6</sup>the approved recommendations of the director of the Office of State Employment Relations for staff compensation and fringe benefits, and distance education. This bill does not impose these restrictions on the establishment of tuition by the Board of Trustees.

The bill appropriates general purpose revenue, program revenue, and moneys from segregated funds to the authority. The authority is not required to deposit moneys that it receives, such as tuition, gifts, grants, and federal revenue, into the state treasury. However, it must transfer daily to the state treasurer for deposit into the local government pooled-investment fund the collected cash balance from all sources except gifts, grants, and donations. <sup>move</sup> The bill authorizes the Board of Trustees

<sup>\*</sup> to transfer gifts, grants, and donations to the UW Foundation <sup>and may</sup>

6 The bill exempts the Board of Trustees from DOA's authority over state agency use of gasohol, alternative fuels, and hybrid-electric vehicles. The bill also exempts authority employees from certain requirements regarding employment or retention by another state agency or authority.

The bill abolishes the Laboratory of Hygiene Board and the Veterinary Diagnostic Laboratory Board and transfers their functions to the authority. The bill directs the Board of Trustees, instead of the Board of Regents, to appoint the director of the laboratory of hygiene, the director of the psychiatric institute, the state geologist, and the state cartographer.

The bill makes other changes regarding the UW-System and the UW-Madison, including the following:

1. The bill transfers loan assistance programs for physicians and other health care providers, but not dentist and dental hygienist programs, from the Board of Regents to the Board of Trustees.

2. The bill adds one person associated with the authority to each of the following boards and councils: the teachers retirement board in DETF, the natural areas preservation council in DNR, the professional standards council for teachers in DPI, the Higher Educational Aids Board, and the Technical College System Board.

3. The bill replaces certain Board of Regents members of the following bodies with Board of Trustees members: the University of Wisconsin Hospitals and Clinics Board and the board of directors of the University of Wisconsin Hospitals and Clinics Authority. <sup>with Board of Trustee members</sup>

The bill does the following regarding legal proceedings involving the authority:

1. Under current law, no one may sue a state officer, employee, or agent who is acting in his or her official capacity for damages unless the person serves the

attorney general with a written notice of claim within 120 days of the event that allegedly caused the damages. <sup>a</sup> <sup>This</sup> ~~The~~ bill applies the prohibition to actions against an officer, director, employee, or agent of the Board of Trustees.

2. With <sup>a</sup> few exceptions, current law limits damages in a case against a state officer, employee, or agent who is acting in his or her official capacity to \$250,000.

<sup>This</sup> <sup>=</sup> ~~The~~ bill applies the limit to actions against an officer, director, employee, or agent of the Board of Trustees.

3. Under current law, generally, if a public officer or a state employee is sued in an official capacity or for actions undertaken within the scope of his or her employment, the state or the political subdivision that employs the officer or employee must provide legal counsel to the defendant officer or employee or cover legal costs for the officer or employee. If damages are assessed against the officer or employee, the state or political subdivision must pay the damages. Under <sup>this</sup> ~~the~~ bill, an officer, director, employer, or agent of the Board of Trustees is treated as a state officer, director, employer, or agent for purposes of ~~the foregoing~~ <sup>these</sup> requirements.

4. Under current law, DOJ represents the state, state agencies, and state employees in certain legal proceedings, reviews, and actions. Under <sup>this</sup> ~~the~~ bill, DOJ represents the Board of Trustees as a department of state government and the officials, employees, and agents of the board as state officials, employees, and agents for the purpose of representation in civil and criminal proceedings, and <sup>5</sup> upon request, for the purpose of appearing for and representing the board or its officials, employees, or agents at an administrative or civil court proceeding.

See also STATE GOVERNMENT — STATE BUILDING PROGRAM and OTHER STATE GOVERNMENT.

\*\*\* ANALYSIS FROM -1399/3 \*\*\*



This bill directs the Board of Regents of the UW System to submit a plan to the secretary of administration by October 1, 2012, for the conversion of the UW-Milwaukee to an authority. The board must allocate \$250,000 for development of the plan and must submit a plan to the secretary of administration specifying how it will allocate the funds by October 1, 2011.

**\*\*\* ANALYSIS FROM -1379/P1 \*\*\***

Current law allows the Board of Regents of the UW System to charge different tuition rates to resident and nonresident students. Current law also includes nonresident tuition exemptions, under which certain nonresident students pay resident tuition rates. One of the exemptions applies to an alien who is not a legal permanent resident of the United States and who: 1) graduated from a Wisconsin high school or received a declaration of equivalency of high school graduation from Wisconsin; 2) was continuously present in Wisconsin for at least three years following the first day of attending a Wisconsin high school or immediately preceding receipt of a declaration of equivalency of high school graduation; and 3) enrolls in a UW System institution and provides the institution with an affidavit stating that he or she has filed or will file an application for permanent residency with U.S. Citizenship and Immigration Services as soon as the person is eligible to do so. This bill eliminates the foregoing nonresident tuition exemption.

Current law also provides that an alien described above is considered a resident of this state for purposes of admission to and payment of fees at a technical college. This bill eliminates that provision.

**\*\*\* ANALYSIS FROM -0379/P1 \*\*\***

Current law requires the Board of Regents of the UW System to submit annual reports to DOA and JCF on the amounts expended in the previous fiscal year under certain program revenue appropriations that exceeded the dollar amounts estimated

for the fiscal year in the appropriations schedule. The appropriations for which the annual reporting requirement applies are appropriations for certain general operations receipts and auxiliary enterprises. This bill eliminates the annual reporting requirement.

**\*\*\* ANALYSIS FROM -0380/P1 \*\*\***

Under current law, specified amounts received from academic student fees are appropriated annually to the UW System Board of Regents for laboratory modernization and improvements in master's level business programs. Those UW appropriations are annual appropriations from program revenue receipts. Therefore, if an amount appropriated for a fiscal year is not encumbered in that fiscal year, the unencumbered amount may not be expended until the legislature authorizes the expenditure. This bill changes those UW appropriations from annual to continuing appropriations, which are expendable until fully depleted. The bill also clarifies the definition of a program revenue appropriation to ensure that the bill's changes to those UW appropriations are effective.

**\*\*\* ANALYSIS FROM -1402/P1 \*\*\***

The bill appropriates to the Board of Regents of the UW System for general program operations of the university system administration, in fiscal years 2011-12 and 2012-13, amounts that are reduced from the amounts appropriated in fiscal years 2010-11 and 2011-12. The bill requires the Board of Regents to submit to the secretary of administration, no later than October 1, 2011, a plan specifying the board's preferences for allocating the reduction among such general program operations. The bill allows the secretary of administration to approve or modify the plan and requires the Board of Regents to implement the plan as approved or modified by the secretary of administration.

**\*\*\* ANALYSIS FROM -1214/1 \*\*\***

This bill modifies the appropriation to the UW System for the minority undergraduate grant program called Lawton grants from a sum sufficient to a sum certain.

**\*\*\* ANALYSIS FROM -0988/1 \*\*\***

This bill prohibits a technical college district board's tax levy for operations in 2011 and 2012 from being greater than its tax levy for operations in 2010. If a district board's levy exceeds the allowable amount, the Technical College System Board must reduce the district's state aid payments by the amount of the excess levy unless DOR determines that the district board's excess levy was caused by a clerical error made by DOR or a taxation district or county clerk.

**\*\*\* ANALYSIS FROM -1188/2 \*\*\***

Current law requires the UW System and each technical college to grant full remission of fees for 128 credits or eight semesters, whichever is longer, less the amount of any fees paid under the federal Reserve Officer Training Corps Program, the federal Veterans Vocational Rehabilitation Act, or the federal Post-9/11 Veterans Educational Assistance Act of 2008, commonly referred to as the "New GI Bill," to an eligible veteran or to the spouse, unremarried surviving spouse, or child of an eligible veteran. An eligible veteran is one who died on active duty, died as the result of a service-connected disability, died in the line of duty while on duty for training purposes, or incurred at least a 30 percent service-connected disability rating.

This bill requires the UW-Madison, the UW System, and a technical college to grant full remission of fees for 128 credits or eight semesters, whichever is longer, without regard to the number of credits or semesters for which the student received educational assistance under those federal programs.

**\*\*\* ANALYSIS FROM -1231/2 \*\*\***

reduction for any fees paid